

**Remarks/Arguments**

Claims 1-10 are pending.

Claims 1-10 stand rejected.

Claims 1, 3 and 6 are amended herein, without prejudice or disclaimer.

Reconsideration of the application is respectfully requested in view of the following remarks.

**Rejection of Claims 1-2 and 5-10 under 35 U.S.C. 102(e) as being anticipated by  
U.S. Patent No. 6,002,394 (Schein)**

Claims 1-2 and 5-10 stand rejected under 35 U.S.C. 102(e) by U.S. Patent No. 6,002,394 (Schein).

The rejection is respectfully traversed. In summary, the Examiner has stated that the Examiner interprets the EPG in Schein to read on the claimed “computer application software program.” (Final Office Action, page 2). In response, claim 1 has been amended to require that the EPG is not operable in the at least one other mode in which the claimed computer application software program operates. Disclosure support is found, for example, at page 3, lines 1-19, which explains that the EPG function is separate from the electronic messaging capability, which is an example of the computer application software program.

Furthermore, claims 1 and 6 have been amended to recite that the advertisement is displayed in a display area of a “computer application software program.” The Examiner has pointed to block 524 of Schein, shown, for example, in block 524, as teaching an advertisement. Even if the message functionality shown in

Figs. 19B and 19C of Schein met the “computer application software program” limitation of claims 1 and 6 (which it does not), block 524, as described at col. 22, lines 10-18, is an additional area of the program guide, not part of the display of an electronic messaging capability. The e-mail functionality has a display of messages which are shown in a separate area of the program guide, similar to the “schedule information area 506” (col. 21, lines 32-34). Thus, the display of block 524 is clearly not in the display of the claimed “computer application software program.”

While the Examiner points out that actual advertisement displayed in block 524 is dynamic, as set forth below in greater detail, the Applicant has carefully analyzed the figures and text of Schein to show that the advertisement displayed in block 524 is entirely independent of the e-mail functionality.

This rejection is traversed on the grounds that Schein fails to disclose at least the following limitations of claim 1: causing said advertisement to be displayed by said computer application software program in an area of said display; and operating said video processing apparatus in said video operating mode for obtaining the broadcast television program in response to selecting said advertisement.

In summary, Applicant discloses a method which permits a video processing apparatus, such as a television, VCR, DVD satellite receiver, set-top box, or the like, to be controlled in response to viewer selection of an advertisement displayed in connection with a productivity or communication application software program. In the prior art, an electronic program guide permits a user to select a program and immediately switch to that program, or set a videocassette recording (page 1, lines 13-

16). Computer-related programs and operations (such as e-mail) are implemented independently of television programs and operations (page 4, lines 28-30). As such programs are implemented independently of an electronic program guide in the prior art, a viewer cannot, by selecting a program mentioned in an advertisement displayed by an e-mail program, for example, cause a television to immediately tune to that program. Part of the invention resides in the recognition of this problem. In a method according to an embodiment of the invention, an advertisement for a program is presented within the display of a communication or productivity application software program (page 5, lines 6-7), such as the e-mail program display illustrated in Fig. 4. Upon selection of advertisement 402, the video processor receives the data associated with the advertisement (page 6, lines 1-2). Upon selection of advertisement 402, the video processing apparatus may either directly tune to the appropriate channel or set up a recording event without further user intervention (page 6, lines 15-17). Thus, in an embodiment of the invention, a viewer may select an advertisement in, for example, an e-mail program, and immediately tune a television to the advertised program.

This is reflected in amended Claim 1, which recites:

A method for operating a video processing apparatus, said video operating apparatus being capable of operating in a video-operating mode, and in at least one other mode, said video processing apparatus having an electronic program guide operable in said video operating mode, said method comprising the steps of:

operating said video processing apparatus in said at least one other mode, comprising operating a computer application software program on said video processing apparatus, said computer application software program capable of receiving electronic messages, said computer application software program having a display;

receiving, while said computer application software program is running, an advertisement associated with a broadcast television program;

causing said advertisement to be displayed by said computer application software program in an area of said display;

receiving a signal selecting said advertisement; and

operating said video processing apparatus in said video operating mode for obtaining the broadcast television program in response to selecting said advertisement.

The Examiner states that the limitation "causing the advertisement to be displayed by the computer application software" is met by the user in Schein navigating to select the advertisement 524 to receive more information. As discussed above, it is clear that amended claims 1 and 6 do not read on the advertisement 524 of Schein, as this advertisement is not displayed in the display of the computer application software program.

Block 524 is clearly identified, in the discussion of Fig. 16A, as an example of an additional area contained in the program guide. Furthermore, in Fig. 19B and Fig. 19C of Schein, a portion of the screen displays block 524, with the wording "FREE SHOWTIME FOR DECEMBER," while the user accesses a list of e-mails. Similarly, block 524 remains displayed while the user reads an individual message, as illustrated in Fig. 19C. Thus, the block with the wording 'FREE SHOWTIME FOR DECEMBER" is not received while the user is checking e-mail. Rather, the block with the wording FREE SHOWTIME FOR DECEMBER is received and displayed before the user selects the e-mail message functionality, and remains displayed, without change, while the e-mail functionality is operated. Block 524, with the wording FREE SHOWTIME FOR DECEMBER, appears entirely independent of the list of e-mail messages and the

individual message of Figs. 19B and 19C. As block 524 appears before the e-mail functionality is launched, the e-mail functionality of Schein does not display the advertisement 524. Moreover, in Figs. 19B and 19B, a portion of the displayed screen is given over to the e-mail functionality. However, advertisement 524 is displayed on the screen outside of the portion given over to the e-mail functionality. This illustration further makes clear that Schein does not disclose display of the advertisement by the computer application software, nor in a display of the computer application software.

Furthermore, Schein does not disclose the limitation “operating said video processing apparatus in said video operating mode *in response to selecting said advertisement.*” In Schein, while the advertisement shown in block 524 is displayed, and while the user is accessing e-mail functionality, as shown in Figs. 19B and 19C, a program area 526 is depicting the currently tuned program. Thus, the device of Schein is already in a video operating mode before the advertisement shown in block 524 is selected. By contrast, in the invention of claim 1, the video processing apparatus is operated in the video operating mode *in response to selection of the advertisement.*

The Examiner takes the position that the disclosure by Schein that the viewer may navigate to message 524 to receive more information or to purchase the product or program constitutes operating in the video operating mode in response to selection of the advertisement. However, as explained above, as message 524 is displayed by program guide 502, there is no change of mode in response to selecting message 524.

Moreover, Schein does not disclose the limitation: “said video operating apparatus being capable of operating in a video-operating mode, and in at least one other mode.” Careful review of Schein shows that the system of Schein operates in only a single mode, as the term “mode” is used in claim 1, as may be understood, by

way of example, by review of Fig. 19B, where a single display includes *both* a currently tuned video program in program area 526 and electronic mail messages. The term "mode" as used in claim 1 and the term "mode" as used in Schein have different meanings. In claim 1, the term "mode" may refer to operation in a video operating mode, wherein video may be displayed, or to another mode, such as a mode in which computer application software is running. In Schein, the term "mode" merely refers to various functionality available while the device of Schein is in a video operating mode. Schein teaches, for example "program guide 502 ... is the primary mode in the television schedule system." The other modes of the system of Schein are merely other functions indicated in mode menu 514 (col. 21, line 55; col. 23, lines 23-26; Fig. 19A). The Examiner argues that the term "mode" is broad enough to read on any of the different presentation formats. However, in view of the amendment to claim 1 that the electronic program guide is not operable in the

As to limitation (2) above, the Examiner states that the limitation "operating the video processing apparatus in at least one other mode" is met by the mode of Schein wherein messages and other services may be accessed, citing Fig. 19B-20C and col. 6, lines 50-65. As noted above, in the cited figures, Schein is operating in a video operating mode, as shown by the fact that a current program may be viewed in area 526.

For at least the foregoing reasons, claim 1 is allowable over the prior art of record.

Claims 2 and 5 depend from claim 1, and are allowable at least by virtue of their dependence on an allowable base claim.

Claim 6 is an independent claim including limitations similar to those of claim 1. For at least the reasons set forth above in connection with claim 1, Schein does not teach each limitation of claim 6. Accordingly, claim 6 is allowable.

Claims 7-10 depend from claim 6. These claims are allowable at least by virtue of their dependence from an allowable base claim.

**Rejection of Claims 3 and 4 under 35 U.S.C. 103(a) as Being Unpatentable over Schein**

Claim 3 as amended depends from claim 2, and further recites that the advertisement displayed by the computer application software program comprises control information associated therewith, which, when received by a video processor, causes the video processor to operate in accordance with the control information, the control information comprising at least one of (1) time and channel selection data and (2) recording data. Disclosure support for the amendment is found in the specification at page 6, lines 18-25. The Examiner takes Official Notice that it was well known at the time the invention was made to include channel, start time, and dates in an ad for a TV program so the ad user is aware of the tuning information. The Examiner states that it would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Schein with the known feature of including tuning information in an ad, at least so that the user is able to select the advertised program when it is broadcast.

The Examiner appears to equate including information in a display with control information. While the Applicant submits that the Examiner's reading completely disregards the term "control," and thus is not proper, in order to expedite prosecution,

claim 3 has been amended to more particularly point out the meaning of "control information." By the foregoing amendment, control information has been defined to recite information which, when receive by a video processor, causes the video processor to operate in accordance with the control information.

The rejection is traversed on the grounds that Schein, even when modified as proposed by the Examiner, does not teach an advertisement *displayed by a computer application software program capable of displaying electronic messages* comprising *control information* including at least one of time and channel selection data and recording data. While the Examiner has taken Official Notice that an ad may include channel, start time and dates, such information is not *control information*, particularly in view of the clarifying amendment to claim 3. Moreover, the Official Notice extend to control information contained in an advertisement displayed by a computer application software program capable of displaying electronic messages. Furthermore, LaJoie nowhere suggests display of an advertisement containing control information displayed in a display of a computer application software program, and does not otherwise remedy the deficiencies of Schein. For at least these reasons, claim 3 is allowable over the prior art of record. In addition, claim 3 is allowable by virtue of its ultimate dependence from allowable claim 1.

Claim 4 is allowable at least by virtue of its dependence from allowable claim 3 and its ultimate dependence from allowable claim 1.

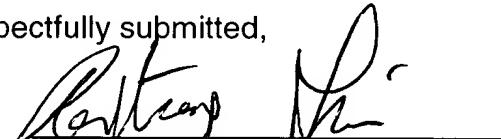
### Conclusion

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

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### CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

1-4-07

Date

Karen Schlueter